

**BOARD OF APPEALS CASE NO. 5005**

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**BEFORE THE**

**APPLICANT: Walter H. Grief, Jr.**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct a sun  
room within the required rear yard  
setback; 2301 Old Mountain Road, Central,  
Joppa**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 12/29/99 & 1/5/00**

**HEARING DATE: February 23, 2000**

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**Record: 12/31/99 & 1/7/00**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Walter H. Greif, Jr., is requesting a variance to Section 267-34(C), Table II of the Harford County Code, to construct a sun room within the required 50 foot rear yard setback in an AG Agricultural District.

The subject property is owned by Donald and Victoria Smith and is located at 2301 Old Mountain Road-Central, Joppa in the First Election District. The parcel is more specifically identified as Parcel No. 583, in Grid 3A, on Tax Map 61. The parcel contains .348 acres, more or less, all of which is zoned AG.

The Applicant, Mr. Greif, appeared and testified that he was hired by the owners of the property, Mr. and Mrs. Smith, to convert a screened-in deck to a glass-windowed sun room off the rear of the house. Mr. Greif testified that the property is unique in that it is a small corner lot with a house that contained an existing deck for several years. Although the deck actually encroached on the required rear setback, it did not require a variance when it was constructed because it was not an enclosed space. When the deck was enclosed with windows, it required a five foot variance from the required 50 foot rear yard setback. According to Mr. Greif, the addition would not be able to be utilized as a sun room without the requested variance. He stated that there would be no negative impact to the neighborhood or adjoining properties.

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Mr. Anthony McClune, Manager, Division of Land Use Management for the Department of Planning and Zoning, appeared and testified that the Department is recommending approval of this request. The property is unique because it is a corner lot, which reduces the usable area of the property. The location of the septic clean-out also limits where an addition could be placed on the site. According to Mr. McClune, this is a request for a minor variance, a five foot reduction in the setback, leaving a setback of 45 feet rather than the required 50 feet in an AG District. It was Mr. McClune's testimony that there would be no adverse impact on adjoining properties, nor would approval materially impair the purpose of the Code or the public interest.

No witnesses testified in opposition to the request.

**CONCLUSION:**

The Applicant is requesting a variance to Section 267-34(C), Table II of the Harford County Code, to allow a sun room within the required 50 foot rear setback in an AG District. The Applicant is seeking a five foot variance, which would reduce the rear yard setback to 45 feet.

The undisputed testimony of the Applicant and the Department of Planning and Zoning is that the subject parcel is unique due to the fact that it is a corner lot and the location of the septic clean-out limits the buildable area to the rear of the dwelling. The house actually contained a deck which was converted to the sun room with no change in the dimensions of the addition. It was merely the conversion of the addition from an open structure to an enclosed sun room that reduced the setback to 45 feet and resulted in the need for the variance. The testimony of the witnesses established the fact that there would be no substantial detriment to adjoining properties, nor would approval materially impair the purpose of the Code or the public interest.

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Therefore, it is the recommendation of the Hearing Examiner that the requested variance to reduce the rear yard setback to 45 feet be approved, subject to the Applicant obtaining all necessary permits and inspections.

**Date    MARCH 15, 2000**

**Valerie H. Twanmoh  
Zoning Hearing Examiner**